

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF
EASTERN DIVISION**

Jorge Sura,

Petitioner,

-v-

**Case No. 2:05cv-99
JUDGE SMITH
Magistrate Judge Abel**

**Warden, Belmont Correctional
Institution,**

Respondent.

ORDER


The U.S. Magistrate Judge issued a report and recommendation on September 8, 2005, recommending that this action be transferred to the United States Court of Appeals for the Sixth Circuit as a successive petition (Doc. 4). The record reflects that petitioner acknowledged receipt of the report and recommendation on September 8, 2005. To date, no objections to the report and recommendation have been filed, nor has any extension of time to do so been requested.

The Court **ADOPTS** the U.S. Magistrate Judge's report and recommendation in its entirety.

The Clerk shall **TRANSFER** this case to the United States Court of Appeals for the Sixth Circuit as a successive petition.

The Clerk shall remove this case from the Court's pending cases list.

IT IS SO ORDERED.


GEORGE C. SMITH, JUDGE
United States District Court